

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SCOTT L. BAENA, LITIGATION TRUSTEE
OF THE LERNOUT & HAUSPIE SPEECH
PRODUCTS N.V. LITIGATION TRUST

Plaintiff,

- v -

KPMG LLP and KLYNVELD PEAT MARWICK
GOERDELER BEDRIJFSREVISOVEN,

Defendants.

Civil Action No. 04-12606 PBS

ORAL ARGUMENT REQUESTED

**DEFENDANT KPMG LLP'S MOTION TO
DISMISS THE COMPLAINT**

Pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant KPMG LLP hereby moves to dismiss with prejudice the Complaint of Plaintiff Scott Baena, as trustee of the Lernout & Hauspie Speech Product, N.V. Litigation Trust. The grounds for Defendant KPMG LLP's Motion to Dismiss the Complaint are set out in the accompanying memorandum of law.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), KPMG LLP respectfully requests oral argument on this motion at the Court's convenience.

Certification of Compliance with Local Rule 7.1(A)(2)

Undersigned counsel for KPMG LLP hereby certifies that counsel for Defendant KPMG LLP has conferred in good faith with opposing counsel regarding the filing of this motion, and the Trustee's counsel confirmed that the Trustee supports his Complaint.

Dated: January 7, 2005

Respectfully submitted,

/s/ Kristin G. McGurn

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Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for each party electronically and by first-class mail on January 7, 2005.

/s/ Kristin G. McGurn